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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE CAPACITORS ANTITRUST  
LITIGATION

THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER CLASS  
ACTIONS

And

FLEXTRONICS INTERNATIONAL USA, INC.

Case No. 3:14-cv-03264-JD

**ANSWER OF DEFENDANT SHIZUKI  
ELECTRIC CO., INC. TO DIRECT  
PURCHASER PLAINTIFFS' SECOND  
AMENDED CONSOLIDATED CLASS  
ACTION COMPLAINT AND  
COMPLAINT OF FLEXTRONICS**

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Defendant Shizuki Electric Co., Inc. ("Shizuki Electric"), by and through its attorneys, hereby answers and submits affirmative defenses to Direct Purchaser Plaintiffs' ("DPP") Second Amended Consolidated Class Action Complaint and Complaint of Flextronics International USA, Inc. ("Flextronics") (together, the "Complaint") as set forth below. DPP and Flextronics are

1 referred to collectively as "Plaintiffs".

## 2 **I. NATURE OF THE ACTION**

3 1. Shizuki Electric admits that Plaintiffs purport to bring this civil action on behalf of  
4 certain entities and assert various claims in antitrust law. Shizuki Electric denies the remaining  
5 allegations contained in Paragraph 1.

6 2. Shizuki Electric admits that electrical current flowing through a circuit, including a  
7 PCB, allows electrical devices to perform their functions. Shizuki Electric denies the remaining  
8 allegations contained in Paragraph 2.

9 3. Shizuki Electric admits that the allegations contained in Paragraph 3 provide a  
10 generally accurate description of electrical circuits.

11 4. Shizuki Electric admits that demand has risen for electrical components as  
12 dependence on consumer technology has grown. Shizuki Electric denies the remaining allegations  
13 contained in Paragraph 4.

14 5. Shizuki Electric admits the allegations contained in Paragraph 5.

15 6. Shizuki Electric admits that aluminum, tantalum, and film capacitors may cost as  
16 little as a fraction of a cent and that such capacitors are a small fraction of the overall cost of the  
17 products containing them. Shizuki Electric denies the remaining allegations contained in  
18 Paragraph 6.

19 7. Shizuki Electric denies the allegations contained in Paragraph 7.

20 8. Shizuki Electric denies the allegations contained in Paragraph 8.

21 9. Shizuki Electric denies the allegations contained in Paragraph 9 to the extent they  
22 relate to the conduct of Shizuki Electric. Shizuki Electric lacks knowledge or information  
23 sufficient to form a belief about the truth of the allegations of Paragraph 9 to the extent they relate  
24 to other Defendants, and, therefore, denies all such allegations.

25 10. Shizuki Electric denies the allegations contained in Paragraph 10.

26 11. Shizuki Electric denies the allegations contained in Paragraph 11.

27 12. Shizuki Electric denies the allegations contained in Paragraph 12.

28 13. Shizuki Electric denies the allegations contained in Paragraph 13.

1 14. Shizuki Electric denies the allegations contained in Paragraph 14.  
2 15. Shizuki Electric denies the allegations contained in Paragraph 15.  
3 16. Shizuki Electric denies the allegations contained in Paragraph 16.  
4 17. Shizuki Electric denies the allegations contained in Paragraph 17.  
5 18. Shizuki Electric denies the allegations contained in Paragraph 18.  
6 19. Shizuki Electric denies the allegations contained in Paragraph 19.  
7 20. Shizuki Electric denies the allegations contained in Paragraph 20.

8 **II. JURISDICTION AND VENUE**

9 21. Shizuki Electric admits that Plaintiffs purport to bring this civil action on behalf of  
10 certain entities and assert various claims in antitrust law. Shizuki Electric denies the remaining  
11 allegations contained in Paragraph 21.

12 22. Shizuki Electric admits that Flextronics purports to bring this civil action on behalf  
13 of itself and its related corporate entities and asserts various claims under federal and California  
14 antitrust law. Shizuki Electric further admits that this Court has supplemental jurisdiction over  
15 Flextronics's California state law claim. Shizuki Electric denies the remaining allegations  
16 contained in Paragraph 22.

17 23. Shizuki Electric admits that this Court has jurisdiction over this action.

18 24. Shizuki Electric admits that venue is proper in this district. Shizuki Electric denies  
19 the remaining allegations contained in Paragraph 24.

20 25. Shizuki Electric admits the allegations contained in the first two sentences in  
21 Paragraph 25. Shizuki Electric denies the remaining allegations contained in Paragraph 25.

22 26. Shizuki Electric admits that the assignment of this case to the San Francisco  
23 Division of the United States District Court for the Northern District of California is proper.  
24 Shizuki Electric denies the remaining allegations contained in Paragraph 26.

25 **III. PARTIES**

26 **A. Plaintiffs**

27 27. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
28 the truth of the allegations of Paragraph 27 and, therefore, denies the allegations of Paragraph 27.

1        28. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 28 and, therefore, denies the allegations of Paragraph 28.

3        29. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 29 and, therefore, denies the allegations of Paragraph 29.

5        30. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
6 the truth of the allegations of Paragraph 30 and, therefore, denies the allegations of Paragraph 30.

7 **B. Flextronics International U.S.A., Inc.**

8        31. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations in Paragraph 31 and, therefore, denies the allegations of Paragraph 31.

10 **C. Defendants**

11 **1. Panasonic/SANYO**

12        32. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
13 the truth of the allegations of Paragraph 32 and, therefore, denies the allegations of Paragraph 32.

14        33. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 33 and, therefore, denies the allegations of Paragraph 33.

16        34. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations of Paragraph 34 and, therefore, denies the allegations of Paragraph 34.

18        35. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations of Paragraph 35 and, therefore, denies the allegations of Paragraph 35.

20        36. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 36, and, therefore, denies the allegations of Paragraph 35.

22 **2. NEC TOKIN**

23        37. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 37 and, therefore, denies the allegations of Paragraph 37.

25        38. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 38 and, therefore, denies the allegations of Paragraph 38.

27        39. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
28 the truth of the allegations of Paragraph 39, and, therefore, denies the allegations of Paragraph 39.

1           **3. KEMET**

2           40. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
3 the truth of the allegations of Paragraph 40 and, therefore, denies the allegations of Paragraph 40.

4           41. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 41 and, therefore, denies the allegations of Paragraph 41.

6           42. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 42 and, therefore, denies the allegations of Paragraph 42.

8           43. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations of Paragraph 43 and, therefore, denies the allegations of Paragraph 43.

10           44. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 44 and, therefore, denies the allegations of Paragraph 44.

12           **4. Nippon Chemi-Con**

13           45. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 45 and, therefore, denies the allegations of Paragraph 45.

15           46. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
16 the truth of the allegations of Paragraph 46 and, therefore, denies the allegations of Paragraph 46.

17           47. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 47 and, therefore, denies the allegations of Paragraph 47.

19           **5. Hitachi**

20           48. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 48 and, therefore, denies the allegations of Paragraph 48.

22           49. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 49 and, therefore, denies the allegations of Paragraph 49.

24           50. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
25 the truth of the allegations of Paragraph 50 and, therefore, denies the allegations of Paragraph 50.

26           51. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 51 and, therefore, denies the allegations of Paragraph 51.

28           52. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 52, and, therefore, the allegations of Paragraph 52 are  
2 denied.

3 **6. Fujitsu**

4 53. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 53 and, therefore, denies the allegations of Paragraph 53.

6 54. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 54 and, therefore, denies the allegations of Paragraph 54.

8 **7. Nichicon**

9 55. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
10 the truth of the allegations of Paragraph 55 and, therefore, denies the allegations of Paragraph 55.

11 56. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
12 the truth of the allegations of Paragraph 56 and, therefore, denies the allegations of Paragraph 56.

13 57. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 57 and, therefore, denies the allegations of Paragraph 57.

15 58. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
16 the truth of the allegations of Paragraph 58 and, therefore, denies the allegations of Paragraph 58.

17 59. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 59, and, therefore, denies the allegations of Paragraph 59.

19 **8. AVX**

20 60. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 60 and, therefore, denies the allegations of Paragraph 60.

22 61. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 61 and, therefore, denies the allegations of Paragraph 61.

24 **9. Rubycon**

25 62. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 62 and, therefore, denies the allegations of Paragraph 62.

27 63. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
28 the truth of the allegations of Paragraph 63 and, therefore, denies the allegations of Paragraph 63.

1       64. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Para 64, and, therefore, denies the allegations of Paragraph 64.

3       **10. ELNA**

4       65. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 65 and, therefore, denies the allegations of Paragraph 65.

6       66. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 66 and, therefore, denies the allegations of Paragraph 66.

8       67. Shizuki Electric lacks sufficient knowledge or information sufficient to form a  
9 belief about the truth of the allegations in Paragraph 67, and, therefore, denies the allegations of  
10 Paragraph 67.

11       **11. Matsuo**

12       68. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
13 the truth of the allegations of Paragraph 68 and, therefore, denies the allegations of Paragraph 68.

14       **12. TOSHIN KOGYO**

15       69. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
16 the truth of the allegations of Paragraph 69 and, therefore, denies the allegations of Paragraph 69.

17       **13. Holy Stone**

18       70. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations of Paragraph 70 and, therefore, denies the allegations of Paragraph 70.

20       71. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 71 and, therefore, denies the allegations of Paragraph 71.

22       72. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 72 and, therefore, denies the allegations of Paragraph 72.

24       73. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
25 the truth of the allegations of Paragraph 73 and, therefore, denies the allegations of Paragraph 73.

26       74. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 74 and, therefore, denies the allegations of Paragraph 74.

28       75. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 75, and, therefore, denies the allegations of Paragraph 75.

2 **14. Vishay Polytech**

3 76. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 76 and, therefore, denies the allegations of Paragraph 76.

5 77. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
6 the truth of the allegations of Paragraph 77 and, therefore, denies the allegations of Paragraph 77.

7 78. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 78 and, therefore, denies the allegations of Paragraph 78.

9 **15. ROHM**

10 79. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 79 and, therefore, denies the allegations of Paragraph 79.

12 80. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
13 the truth of the allegations of Paragraph 80 and, therefore, denies the allegations of Paragraph 80.

14 81. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 81, and, therefore, the allegations of Paragraph 81 are  
16 denied.

17 **16. Okaya**

18 82. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations of Paragraph 82 and, therefore, denies the allegations of Paragraph 82.

20 83. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 83 and, therefore, denies the allegations of Paragraph 83.

22 84. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 84, and, therefore, the allegations of Paragraph 84 are  
24 denied.

25 **17. Taitsu**

26 85. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 85 and, therefore, denies the allegations of Paragraph 85.

28 86. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 86 and, therefore, denies the allegations of Paragraph 86.

2 87. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
3 the truth of the allegations of Paragraph 87, and, therefore, the allegations of Paragraph 87 are  
4 denied.

5 **18. Shinyei**

6 88. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 88 and, therefore, denies the allegations of Paragraph 88.

8 89. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations of Paragraph 89 and, therefore, denies the allegations of Paragraph 89.

10 90. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 90 and, therefore, denies the allegations of Paragraph 90.

12 91. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
13 the truth of the allegations of Paragraph 91 and, therefore, denies the allegations of Paragraph 91.

14 92. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 92 and, therefore, denies the allegations of Paragraph 92.

16 **19. Nitsuko**

17 93. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 93 and, therefore, denies the allegations of Paragraph 93.

19 **20. Nissei**

20 94. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 94 and, therefore, denies the allegations of Paragraph 94.

22 **21. Soshin**

23 95. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 95 and, therefore, denies the allegations of Paragraph 95.

25 96. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 96 and, therefore, denies the allegations of Paragraph 96.

27 97. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
28 the truth of the allegations of Paragraph 97, and, therefore, denies the allegations of Paragraph 97.

1           **22. Shizuki**

2           98. Shizuki Electric admits that Shizuki Electric Co., Inc. (not Ltd.) ("Shizuki  
3 Electric"), is a Japanese corporation with its principal place of business located at 10-45 Taisha-  
4 cho, Nishinomiya, Hyogo 662-0867, Japan and that during the class period it manufactured, sold  
5 and distributed some film capacitors to American Shizuki Corporation, its subsidiary located in  
6 the United States. In all other respects, the allegations contained in Paragraph 98 are denied.

7           99. Shizuki Electric admits that American Shizuki Corporation ("ASC") is a Nebraska  
8 corporation with its principal place of business at 301 West O Street, Ogallala, Nebraska 69153  
9 and that it manufactured, sold and distributed film capacitors, some of which were manufactured  
10 by and purchased from Shizuki Electric.

11          100. Shizuki Electric denies that Plaintiffs use the phrase "Shizuki" in the Complaint as  
12 set forth in Paragraph 100.

13           **23. The Flextronics Defendants**

14          101. Shizuki Electric admits that Flextronics purports to bring this action against the  
15 Defendants identified in Paragraph 101. Shizuki Electric re-alleges each response set forth in  
16 Paragraphs 34 through 100 as though fully set forth herein.

17           **IV. CO-CONSPIRATORS AND AGENTS**

18          102. Shizuki Electric denies the allegations contained in Paragraph 102.

19          103. Shizuki Electric denies the allegations contained in Paragraph 103.

20          104. Shizuki Electric denies the allegations contained in Paragraph 104 as they relate to  
21 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
22 the truth of the allegations of Paragraph 104 as they relate to other Defendants and, therefore,  
23 denies all such allegations.

24          105. Shizuki Electric denies the allegations contained in Paragraph 105 as they relate to  
25 Shizuki Electric. Shizuki Electric lack knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 105 as they relate to other Defendants and, therefore,  
27 denies all such allegations.

28          106. The allegations of Paragraph 106 set forth legal conclusions to which no response

is required, but if a response is required, Shizuki Electric denies the allegations of Paragraph 106.

## **V. CLASS ALLEGATIONS**

107. Shizuki Electric admits that Plaintiffs purport to bring this action on behalf of themselves and as a class action. Shizuki Electric denies that the purported class definition is appropriate or that Plaintiffs meet the requirements of Rule 23 of the Federal Rules of Civil Procedure.

108. Shizuki Electric admits that Plaintiffs define “Direct Purchaser Class” in the Complaint as set forth in Paragraph 108. Shizuki Electric denies that Plaintiffs’ definition of the class is appropriate or that Plaintiffs otherwise meet the requirements of Rule 23 of the Federal Rules of Civil Procedure.

109. Shizuki Electric admits that Plaintiffs define “Direct Purchaser Class” in the Complaint as set forth in Paragraph 109. Shizuki Electric denies that Plaintiffs meet the requirements of Rule 23 of the Federal Rules of Civil Procedure.

110. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 110 and, therefore, denies the allegations of Paragraph 110.

111. Shizuki Electric lacks knowledge of information sufficient to form a belief as to the truth of the allegations of Paragraph 111 and, therefore, denies the allegations of Paragraph 111.

112. Shizuki Electric denies the allegations contained in Paragraph 112.

113. Shizuki Electric denies the allegations contained in Paragraph 113.

114. Shizuki Electric denies the allegations contained in Paragraph 114.

115. Shizuki Electric denies the allegations contained in Paragraph 115.

116. Shizuki Electric denies the allegations contained in Paragraph 116.

117. Shizuki Electric denies the allegations contained in Paragraph 117.

## VI. TRADE AND COMMERCE

## VI. TRADE AND COMMERCE

118. Shizuki Electric admits that it has sold or delivered film capacitors to ASC. Shizuki Electric denies the remaining allegations in Paragraph 118 as they relate to Shizuki Electric. Shizuki Electric lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations of Paragraph 118 as to other Defendants and, therefore, denies all

1 such allegations.

2 119. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
3 the truth of the allegations of Paragraph 119 and, therefore, denies the allegations of Paragraph  
4 119.

5 120. Shizuki Electric denies the allegations contained in Paragraph 120.

6 121. Shizuki Electric denies the allegations contained in Paragraph 121.

7 122. Shizuki Electric denies the allegations contained in Paragraph 122.

8 123. Shizuki Electric denies the allegations contained in Paragraph 123.

9 124. Shizuki Electric denies the allegations contained in Paragraph 124 to the extent  
10 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
11 a belief about the truth of the allegations of Paragraph 124 to the extent they relate to other  
12 Defendants, and, therefore, denies such allegations.

13 125. Shizuki Electric denies the allegations contained in Paragraph 125.

14 126. Shizuki Electric denies the allegations contained in Paragraph 126.

15 127. Shizuki Electric denies the allegations contained in Paragraph 127.

## 16 **VII. FACTUAL ALLEGATIONS**

### 17 **A. What Capacitors Do and How They Work**

18 128. The allegations in Paragraph 128 set forth characterizations and assertions, to  
19 which no response is required. To the extent a response is required, Shizuki Electric lacks  
20 knowledge or information sufficient to form a belief about the truth of the allegations of the first  
21 three sentences of Paragraph 128, and, therefore, denies such allegations. Shizuki Electric admits  
22 the remaining allegations contained in Paragraph 128.

23 129. The allegations in Paragraph 129 set forth characterizations and assertions  
24 regarding the operation of capacitors, to which no response is required. To the extent a response is  
25 required, Shizuki Electric lacks knowledge or information sufficient to form a belief about the  
26 truth of the allegations of the second sentence of Paragraph 129, and, therefore, denies such  
27 allegation. Shizuki Electric admits the remaining allegations contained in Paragraph 129.

28 130. The allegations in Paragraph 130 set forth characterizations and assertions

1 regarding the operation of capacitors, to which no response is required. To the extent a response is  
2 required, Shizuki Electric admits the allegations contained in Paragraph 130.

3 131. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 131 and, therefore, denies the allegations of Paragraph  
5 131.

6 **B. Types of Capacitors and Their Uses**

7 132. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of the first sentence of Paragraph 132, and, therefore, denies such  
9 allegations. Shizuki Electric admits the remaining allegations contained in Paragraph 132.

10 133. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 133, and, therefore, denies the allegations of Paragraph  
12 133.

13 134. Shizuki Electric admits that electrolytic and electrostatic capacitors use a variety of  
14 dielectric materials and that aluminum and tantalum capacitors are considered to be electrolytic  
15 capacitors and ceramic and film capacitors are considered to be electrostatic capacitors. Shizuki  
16 Electric lacks knowledge or information sufficient to form a belief about the truth of the remaining  
17 allegations in Paragraph 134 and, therefore, denies all such allegations.

18 **1. Electrolytic Capacitors**

19 **a. Aluminum Capacitors**

20 135. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 135 since they relate to electrolytic capacitors, and,  
22 therefore, denies the allegations of Paragraph 135.

23 136. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 136 since they relate to electrolytic capacitors, and,  
25 therefore, denies the allegations of Paragraph 136.

26 137. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 137 since they relate to electrolytic capacitors, and,  
28 therefore, denies the allegations of Paragraph 137.

1       138. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 138 since they relate to electrolytic capacitors, and,  
3 therefore, denies the allegations of Paragraph 138.

4       139. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 139 since they relate to electrolytic capacitors, and,  
6 therefore, denies the allegations of Paragraph 139.

7       140. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 140 since they relate to electrolytic capacitors, and,  
9 therefore, denies the allegations of Paragraph 140.

10       141. Shizuki Electric admits that Plaintiffs use the phrase “aluminum capacitors” in the  
11 Complaint as set forth in Paragraph 141.

12                   **b. Tantalum Capacitors**

13       142. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 142 since they relate to electrolytic capacitors, and,  
15 therefore, denies the allegations of Paragraph 142.

16       143. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations of Paragraph 143 since they relate to electrolytic capacitors, and,  
18 therefore, denies the allegations of Paragraph 143.

19       144. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations of Paragraph 144 since they relate to electrolytic capacitors, and,  
21 therefore, denies the allegations of Paragraph 144.

22       145. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 145 since they relate to electrolytic capacitors, and,  
24 therefore, denies the allegations of Paragraph 145.

25       146. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 146 since they relate to electrolytic capacitors, and,  
27 therefore, denies the allegations of Paragraph 146.

28       147. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 147 since they relate to electrolytic capacitors, and,  
2 therefore, denies the allegations of Paragraph 147.

3 148. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 148 since they relate to electrolytic capacitors, and,  
5 therefore, denies the allegations of Paragraph 148.

6 149. Shizuki Electric admits that Plaintiffs use the phrase “tantalum capacitors” in the  
7 Complaint as set forth in Paragraph 149.

8 **2. Electrostatic Capacitors**

9 **a. Film Capacitors**

10 150. The allegations of Paragraph 150 set forth characterizations and legal conclusions  
11 regarding film capacitors and the manner in which they operate, to which no response is required.  
12 To the extent a response is required, Shizuki Electric generally admits the allegations of Paragraph  
13 150, but notes that they are greatly simplified in terms of the characteristics of film capacitors and  
14 how they operate and function.

15 151. Shizuki Electric generally admits the allegations of the first sentence of Paragraph  
16 151. Shizuki Electric denies all remaining allegations of Paragraph 151.

17 152. The allegations of Paragraph 152 set forth characterizations and legal conclusions  
18 regarding film capacitors, their benefits and the manner in which they operate, to which no  
19 response is required. To the extent a response is required, Shizuki Electric generally admits the  
20 allegations contained in the first two sentences of Paragraph 152, but notes that they are greatly  
21 simplified in terms of the characteristics of film capacitors and how they operate and function.  
22 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
23 remaining allegations of Paragraph 152 and, on that basis, denies the allegations.

24 **b. Ceramic Capacitors**

25 153. The allegations of Paragraph 153 set forth characterizations and assertions  
26 regarding capacitors to which no response is required. To the extent a response is required,  
27 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
28 allegations of Paragraph 153 and, therefore, denies the allegations of Paragraph 153.

1       154. The allegations of Paragraph 154 set forth characterizations and assertions  
2 regarding capacitors to which no response is required. To the extent a response is required,  
3 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
4 allegations of Paragraph 154 and, therefore, denies the allegations of Paragraph 154.

5       155. The allegations of Paragraph 155 set forth characterizations and assertions  
6 regarding capacitors to which no response is required. To the extent a response is required,  
7 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
8 allegations of Paragraph 155 and, therefore, denies the allegations of Paragraph 155.

9       156. The allegations of Paragraph 156 set forth characterizations and assertions  
10 regarding capacitors to which no response is required. To the extent a response is required,  
11 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
12 allegations of Paragraph 156 and, therefore, denies the allegations of Paragraph 156.

13       157. The allegations of Paragraph 157 set forth characterizations and assertions  
14 regarding capacitors to which no response is required. To the extent a response is required,  
15 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations of Paragraph 157 and, therefore, denies the allegations of Paragraph 157.

17       158. The allegations of Paragraph 158 set forth characterizations and assertions  
18 regarding capacitors to which no response is required. To the extent a response is required,  
19 Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth of the  
20 allegations of Paragraph 158 and, therefore, denies the allegations of Paragraph 158.

21       159. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
22 the truth of the allegations of Paragraph 159 and, therefore, denies the allegations of Paragraph  
23 159.

24 **C. The Market Conditions in Which Defendants' Conspiracy Originated and Operated**

25       160. Shizuki Electric admits that there are various types of direct purchasers of  
26 capacitors, including those described in Paragraph 160. Shizuki Electric lacks knowledge or  
27 information sufficient to form a belief about the truth of the remaining allegations of Paragraph  
28 160 and, therefore, denies those allegations of this Paragraph.

1       161. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 161 and, therefore, denies the allegations of Paragraph  
3 161.

4       162. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 162 and, therefore, denies the allegations of Paragraph  
6 162.

7       163. Shizuki Electric admits that capacitors are used in many types of electronic circuits.  
8 Shizuki Electric lacks knowledge or information sufficient to form a belief about the truth of the  
9 remaining allegations of Paragraph 163 and, therefore, denies those allegations of Paragraph 163.

10       164. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 164 and, therefore, denies the allegations of Paragraph  
12 164.

13       165. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 165 and, therefore, denies the allegations of Paragraph  
15 165.

16       166. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations of Paragraph 166 and, therefore, denies the allegations of Paragraph  
18 166.

19       167. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations of Paragraph 167 and, therefore, denies the allegations of Paragraph  
21 167.

22       168. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 168 and, therefore, denies the allegations of Paragraph  
24 168.

25 **D. DEFENDANTS' COLLUSIVE ANTICOMPETITIVE PRACTICES**

26       169. Shizuki Electric denies the allegations contained in Paragraph 169.

27       170. Shizuki Electric denies the allegations contained in Paragraph 170 to the extent  
28 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form

1 a belief about the truth of the remaining allegations of Paragraph 170 as they relate to other  
2 Defendants and, therefore, denies all such allegations.

3 171. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 171 and, therefore, denies the allegations of Paragraph  
5 171.

6 172. The allegations in Paragraph 172 set forth characterizations and assertions  
7 regarding the operation of capacitors, to which no response is required. To the extent a response is  
8 required, Shizuki Electric admits that some capacitors are interchangeable with other capacitors,  
9 depending on the circumstances. Shizuki Electric lacks knowledge or information sufficient to  
10 form a belief as to the truth of the remaining allegations in Paragraph 172 and, therefore, denies all  
11 such allegations.

12 173. Shizuki Electric denies the allegations of Paragraph 173 to the extent they relate to  
13 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 173 as they relate to other Defendants and, therefore,  
15 denies all such allegations.

16 174. The allegations in Paragraph 174 set forth characterizations and assertions  
17 regarding the operation of capacitors, to which no response is required. To the extent a response is  
18 required, Shizuki Electric lacks knowledge or information sufficient to form a belief as to the truth  
19 of the remaining allegations in Paragraph 174 and, therefore, denies all such allegations.

20 175. Shizuki Electric denies the allegations contained in Paragraph 175 to the extent  
21 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
22 a belief about the truth of the remaining allegations of Paragraph 175 as they relate to other  
23 Defendants and, therefore, denies all such allegations.

24 176. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
25 the truth of the allegations of Paragraph 176 and, therefore, denies the allegations of Paragraph  
26 176.

27 177. Shizuki Electric denies the allegations contained in Paragraph 177 to the extent  
28 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form

1 a belief about the truth of the allegations of Paragraph 177 as they relate to other Defendants and,  
2 therefore, denies all such allegations.

3 178. Shizuki Electric denies the allegations contained in Paragraph 178 to the extent  
4 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to from  
5 a belief about the truth of the remaining allegations of Paragraph 178 as they relate to other  
6 Defendants and, therefore, denies all such allegations.

7 179. The allegations of Paragraph 179 set forth legal conclusions, to which no response  
8 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 179.

9 **E. Defendants' Cartel**

10 180. Shizuki Electric denies the allegations contained in Paragraph 180.

11 181. Shizuki Electric denies the allegations contained in Paragraph 181.

12 182. Shizuki Electric denies the allegations contained in Paragraph 182.

13 183. Shizuki Electric denies the allegations contained in Paragraph 183.

14 184. Shizuki Electric denies the allegations contained in Paragraph 184.

15 185. Shizuki Electric denies the allegations contained in Paragraph 185.

16 186. Shizuki Electric denies the allegations contained in Paragraph 186.

17 187. Shizuki Electric denies the allegations contained in Paragraph 187.

18 188. Shizuki Electric denies the allegations contained in Paragraph 188.

19 189. Shizuki Electric denies the allegations contained in Paragraph 189 to the extent  
20 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to from  
21 a belief about the truth of the allegations of Paragraph 189 as they relate to other Defendants and,  
22 therefore, denies all such allegations.

23 **F. Meetings Among the Defendant Cartel Members During the Class Period**

24 190. Shizuki Electric denies the allegations contained in Paragraph 190.

25 191. Shizuki Electric denies the allegations contained in Paragraph 191.

26 **1. The Cartel's Regular Meetings**

27 192. Shizuki Electric denies the allegations contained in Paragraph 192.

28 193. Shizuki Electric denies the allegations contained in Paragraph 193.

1       194. Shizuki Electric denies the allegations contained in Paragraph 194.  
2       195. Shizuki Electric denies the allegations contained in Paragraph 195.  
3       196. Shizuki Electric denies the allegations contained in Paragraph 196.  
4       197. Shizuki Electric denies the allegations contained in Paragraph 197.  
5       198. Shizuki Electric denies the allegations contained in Paragraph 198.  
6       199. Shizuki Electric denies the allegations in Paragraph 199 to the extent they related to  
7 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 199 to the extent they relate to other Defendants, and,  
9 therefore, denies such allegations. Shizuki Electric denies the remaining allegations contained in  
10 Paragraph 199.

11       200. Shizuki Electric denies the allegations contained in Paragraph 200.  
12       201. Shizuki Electric denies the allegations contained in Paragraph 201.  
13       202. Shizuki Electric denies the allegations contained in Paragraph 202.  
14       203. Shizuki Electric denies the allegations contained in Paragraph 203.  
15       204. Shizuki Electric denies the allegations contained in Paragraph 204.  
16       205. Shizuki Electric denies the allegations contained in Paragraph 205.  
17       206. Shizuki Electric denies the allegations contained in Paragraph 206.  
18       207. Shizuki Electric denies the allegations contained in Paragraph 207.  
19       208. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations in Paragraph 208 and, therefore, denies the allegations of Paragraph  
21 208.

22       209. Shizuki Electric denies the allegations contained in Paragraph 209.  
23       210. Shizuki Electric denies the allegations contained in Paragraph 210.  
24       211. Shizuki Electric denies the allegations contained in Paragraph 211.

25       **2. Specific Cartel Meetings**

26       212. Shizuki Electric denies the allegations contained in Paragraph 212.a. through 212.d.  
27 Shizuki Electric lacks knowledge or information sufficient to form a belief about the truth of the  
28 remaining allegations in Paragraph 212, and, therefore, they are denied.

1 213. Shizuki Electric denies the allegations contained in paragraph 213.

2 214. Shizuki Electric denies the allegations contained in paragraph 214.

3 **3. Other Meetings and Conspiratorial Communications Among Defendants**

4 215. Shizuki Electric denies the allegations contained in Paragraph 215.

5 **a. Sanyo's Meetings and Communications With Other Defendants**

6 216. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 216 and, therefore, denies the allegations of Paragraph  
8 216.

9 **b. AVX's Meetings and Communications With Other Defendants**

10 217. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 217 and, therefore, denies the allegations of Paragraph  
12 217.

13 218. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 218 and, therefore, denies the allegations of Paragraph  
15 218.

16 **c. KEMET's Meetings and Dealings With Defendant Cartel**

17 219. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 219 and, therefore, denies the allegations of Paragraph  
19 219.

20 220. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 220 and, therefore, denies the allegations of Paragraph  
22 220.

23 221. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 221 and, therefore, denies the allegations of Paragraph  
25 221.

26 222. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 222 and, therefore, denies the allegations of Paragraph  
28 222.

1       223. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 223 and, therefore, denies the allegations of Paragraph  
3 223.

4       224. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 224 and, therefore, denies the allegations of Paragraph  
6 224.

7       225. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 225 and, therefore, denies the allegations of Paragraph  
9 225.

10       226. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 226 and, therefore, denies the allegations of Paragraph  
12 226.

13       227. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 227 and, therefore, denies the allegations of Paragraph  
15 227.

16       228. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations of Paragraph 228 and, therefore, denies the allegations of Paragraph  
18 228.

19       229. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations of Paragraph 229 and, therefore, denies the allegations of Paragraph  
21 229.

22       230. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 230 and, therefore, denies the allegations of Paragraph  
24 230.

25       231. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 231 and, therefore, denies the allegations of Paragraph  
27 231.

28       232. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 232 and, therefore, denies the allegations of Paragraph  
2 232.

3 233. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 233 and, therefore, denies the allegations of Paragraph  
5 233.

6 234. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 234 and, therefore, denies the allegations of Paragraph  
8 234.

9 **d. FMD's Meetings and Dealings With Cartel Members**

10 235. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 235 and, therefore, denies the allegations of Paragraph  
12 235.

13 **G. Defendants' U.S.-Based Subsidiaries Marketed, Sold and Delivered Their Defendant  
14 Corporate Parents' Price-Fixed Capacitors in Furtherance of the Capacitors Cartel's  
Aims and Purposes**

15 236. Shizuki Electric denies the allegations contained in Paragraph 236.

16 237. Shizuki Electric denies the allegations contained in Paragraph 237

17 238. Shizuki Electric denies the allegations contained in Paragraph 238 to the extent  
18 they are intended to relate to it. Shizuki Electric lacks knowledge or information sufficient to  
19 form a belief as to the truth of the allegations relating to other defendants and, therefore, they are  
20 denied.

21 239. Shizuki Electric denies the allegations contained in Paragraph 239 to the extent  
22 they are intended to relate to it. Shizuki Electric lacks knowledge or information sufficient to  
23 form a belief as to the truth of the allegations relating to other defendants and, therefore, they are  
24 denied.

25 240. Shizuki Electric denies the allegations contained in Paragraph 240 to the extent  
26 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
27 a belief as to the truth of the allegations of Paragraph 240 to the extent they relate to other  
28 Defendants and, therefore, denies all such allegations.

1       **1.       UCC Advanced the Cartel's Aims and Purposes in the United States for**  
2       **Nippon Chemi-Con**

3       241.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4       the truth of the allegations of Paragraph 241 and, therefore, denies the allegations of Paragraph  
5       241.

6       242.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7       the truth of the allegations of Paragraph 242 and, therefore, denies the allegations of Paragraph  
8       242.

9       243.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
10      the truth of the allegations of Paragraph 243 and, therefore, denies the allegations of Paragraph  
11      243.

12      244.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
13      the truth of the allegations of Paragraph 244 and, therefore, denies the allegations of Paragraph  
14      244.

15      245.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
16      the truth of the allegations of Paragraph 245 and, therefore, denies the allegations of Paragraph  
17      245.

18      246.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
19      the truth of the allegations of Paragraph 246 and, therefore, denies the allegations of Paragraph  
20      246.

21      247.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
22      the truth of the allegations of Paragraph 247 and, therefore, denies the allegations of Paragraph  
23      247.

24      248.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
25      the truth of the allegations of Paragraph 248 and, therefore, denies the allegations of Paragraph  
26      248.

27      249.   Shizuki Electric lacks knowledge or information sufficient to form a belief about  
28      the truth of the allegations of Paragraph 249 and, therefore, denies the allegations of Paragraph  
29      249.

1        250. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 250 and, therefore, denies the allegations of Paragraph  
3 250.

4        251. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 251 and, therefore, denies the allegations of Paragraph  
6 251.

7        252. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 252 and, therefore, denies the allegations of Paragraph  
9 252.

10       253. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 253 and, therefore, denies the allegations of Paragraph  
12 253.

13       254. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 254 and, therefore, denies the allegations of Paragraph  
15 254.

16       255. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations of Paragraph 255 and, therefore, denies the allegations of Paragraph  
18 255.

19       256. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations of Paragraph 256 and, therefore, denies the allegations of Paragraph  
21 256.

22       257. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 257 and, therefore, denies the allegations of Paragraph  
24 257.

25       258. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 258 and, therefore, denies the allegations of Paragraph  
27 258.

28       259. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 259 and, therefore, denies the allegations of Paragraph  
2 259.

3 260. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 260 and, therefore, denies the allegations of Paragraph  
5 260.

6 261. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 261 and, therefore, denies the allegations of Paragraph  
8 261.

9 262. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
10 the truth of the allegations of Paragraph 262 and, therefore, denies the allegations of Paragraph  
11 262.

12 **2. Nichicon America advanced the Cartel's Aims and Purposes in the United  
13 States for Nichicon.**

14 263. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 263 and, therefore, denies the allegations of Paragraph  
16 263.

17 264. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 264 and, therefore, denies the allegations of Paragraph  
19 264.

20 265. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 265 and, therefore, denies the allegations of Paragraph  
22 265.

23 266. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 266 and, therefore, denies the allegations of Paragraph  
25 266.

26 267. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 267 and, therefore, denies the allegations of Paragraph  
28 267.

268. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 268 and, therefore, denies the allegations of Paragraph  
2 268.

3 269. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 269 and, therefore, denies the allegations of Paragraph  
5 269.

6 270. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 270 and, therefore, denies the allegations of Paragraph  
8 270.

9 271. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
10 the truth of the allegations of Paragraph 271 and, therefore, denies the allegations of Paragraph  
11 271.

12 **3. ROHM USA advanced the Cartel's Aims and Purposes in the United States  
13 for ROHM**

14 272. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 272 and, therefore, denies the allegations of Paragraph  
16 272.

17 273. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 273 and, therefore, denies the allegations of Paragraph  
19 273.

20 274. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 274 and, therefore, denies the allegations of Paragraph  
22 274.

23 275. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 275 and, therefore, denies the allegations of Paragraph  
25 275.

26 276. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 276 and, therefore, denies the allegations of Paragraph  
28 276.

277. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 277 and, therefore, denies the allegations of Paragraph  
2 277.

3 278. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 278 and, therefore, denies the allegations of Paragraph  
5 278.

6 279. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 279 and, therefore, denies the allegations of Paragraph  
8 279.

9 **4. Okaya America advanced the Cartel's Aims and Purposes for in the United  
10 States for Okaya**

11 280. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
12 the truth of the allegations of Paragraph 280 and, therefore, denies the allegations of Paragraph  
13 280.

14 281. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 281 and, therefore, denies the allegations of Paragraph  
16 281.

17 282. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 282 and, therefore, denies the allegations of Paragraph  
19 282.

20 283. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 283 and, therefore, denies the allegations of Paragraph  
22 283.

23 284. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 284 and, therefore, denies the allegations of Paragraph  
25 284.

26 285. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 285 and, therefore, denies all such allegations.

28 286. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
the truth of the allegations of Paragraph 286 and, therefore, denies the allegations of Paragraph

1 286.

2 287. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
3 the truth of the allegations of Paragraph 287 and, therefore, denies the allegations of Paragraph  
4 287.

5 288. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
6 the truth of the allegations of Paragraph 288 and, therefore, denies the allegations of Paragraph  
7 288.

8 289. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations of Paragraph 289 and, therefore, denies the allegations of Paragraph  
10 289.

11 5. **Shinyei America advanced the Cartel's Aims and Purposes in the United  
12 States for Shinyei**

13 290. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
14 the truth of the allegations of Paragraph 290, and, therefore, denies the allegations of Paragraph  
15 290.

16 291. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
17 the truth of the allegations of Paragraph 291, and, therefore, denies the allegations of Paragraph  
18 291.

19 292. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
20 the truth of the allegations of Paragraph 292, and, therefore, denies the allegations contained in  
21 Paragraph 292.

22 293. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
23 the truth of the allegations of Paragraph 293 and, therefore, denies the allegations contained in  
24 Paragraph 293.

25 294. Shizuki Electric lack sufficient knowledge or information to form a belief about the  
26 truth of the allegations of Paragraph 294, and, therefore, denies the allegations contained in  
27 Paragraph 294.

28 295. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
29 the truth of the allegations of Paragraph 295 and, therefore, denies the allegations contained in

1 Paragraph 295.

2 296. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
3 the truth of the allegations of Paragraph 296 and, therefore, denies the allegations contained in  
4 Paragraph 296.

5 297. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
6 the truth of the allegations of Paragraph 297 and, therefore, denies the allegations contained in  
7 Paragraph 297.

8 298. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
9 the truth of the allegations contained in Paragraph 298 and, therefore, denies the allegations  
10 contained in Paragraph 298.

11 299. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
12 the truth of the allegations contained in Paragraph 299 and, therefore, denies the allegations  
13 contained in Paragraph 299.

14 300. Shizuki Electric lacks sufficient knowledge or information to form a belief about  
15 the truth of the allegations contained in Paragraph 300, and, therefore, denies the allegations  
16 contained in Paragraph 300.

17 **6. Soshin America advanced the Cartel's Aims and Purposes in the United States  
18 for Soshin Co.**

19 301. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations of Paragraph 301 and, therefore, denies the allegations of Paragraph  
21 301.

22 302. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 302 and, therefore, denies the allegations of Paragraph  
24 302.

25 303. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
26 the truth of the allegations of Paragraph 303 and, therefore, denies the allegations of Paragraph  
27 303.

28 304. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
the truth of the allegations of Paragraph 304 and, therefore, denies the allegations of Paragraph

1 304.

2 305. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
3 the truth of the allegations of Paragraph 305 and, therefore, denies the allegations of Paragraph  
4 305.

5 306. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
6 the truth of the allegations of Paragraph 306 and, therefore, denies the allegations of Paragraph  
7 306.

8 307. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
9 the truth of the allegations of Paragraph 307 and, therefore, denies the allegations of Paragraph  
10 307.

11 308. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
12 the truth of the allegations of Paragraph 308 and, therefore, denies the allegations of Paragraph  
13 308.

14 309. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 309 and, therefore, denies the allegations of Paragraph  
16 309.

17 310. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 310 and, therefore, denies the allegations of Paragraph  
19 310.

20 311. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 311 and, therefore, denies the allegations of Paragraph  
22 311.

23 312. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 312 and, therefore, denies the allegations of Paragraph  
25 312.

26 **H. Anticompetitive Effects of Defendants' Capacitors Cartel**

27 313. Shizuki Electric denies the allegations contained in Paragraph 313.

28 314. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations of Paragraph 314 and, therefore, denies the allegations of Paragraph  
2 314.

3 315. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
4 the truth of the allegations of Paragraph 315 and, therefore, denies the allegations of Paragraph  
5 315.

6 316. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
7 the truth of the allegations of Paragraph 316 and, therefore, denies the allegations of Paragraph  
8 316.

9 317. Shizuki Electric denies the allegations contained in Paragraph 317.

10 **VIII. INDUSTRY CHARACTERISTICS INDICATING AND  
11 FACILITATING DEFENDANTS' CONSPIRACY**

12 318. Shizuki Electric denies the allegations contained in Paragraph 318.

13 **A. Market Concentration**

14 319. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 319 and, therefore, denies the allegations of Paragraph  
16 319.

17 320. Shizuki Electric denies the allegations contained in Paragraph 320.

18 321. Shizuki Electric denies the allegations of Paragraph 321 to the extent they relate to  
19 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the remaining allegations of Paragraph 321 to the extent they relate to other  
21 Defendants and, therefore, denies all such allegations.

22 322. Shizuki Electric denies the allegations contained in Paragraph 322.

23 323. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 323 as they relate to other Defendants and, therefore,  
25 denies the allegations of Paragraph 323.

26 324. Shizuki Electric denies the allegations contained in Paragraph 324.

27 325. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
28 the truth of the allegations of Paragraph 325 and, therefore, denies the allegations of Paragraph  
325.

1 326. Shizuki Electric denies the allegations contained in Paragraph 326.

2 **B. High Barriers to Entry**

3 327. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
4 truth of the allegations contained in Paragraph 327 and, therefore, denies the allegations of  
5 Paragraph 327.

6 328. Shizuki Electric lack knowledge or information sufficient to form a belief as to the  
7 truth of the allegations contained in Paragraph 328 and, therefore, denies the allegations of  
8 Paragraph 328.

9 329. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations contained in Paragraph 329 and, therefore, denies the allegations of  
11 Paragraph 329.

12 330. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
13 truth of the allegations contained in Paragraph 330 and, therefore, denies the allegations of  
14 Paragraph 330.

15 331. Shizuki Electric admits that the raw materials necessary to manufacture certain  
16 types of capacitors are not available from an unlimited number of regions around the world nor an  
17 unlimited number of suppliers.

18 332. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
19 truth of the allegations contained in Paragraph 332 and, therefore, denies the allegations of  
20 Paragraph 332.

21 333. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
22 truth of the allegations contained in Paragraph 333 and, therefore, denies the allegations of  
23 Paragraph 333.

24 334. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
25 truth of the allegations contained in Paragraph 334 and, therefore, denies the allegations of  
26 Paragraph 334.

27 335. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
28 truth of the allegations contained in Paragraph 335 and, therefore, denies the allegations of

1 Paragraph 335.

2 336. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
3 truth of the allegations contained in Paragraph 336 and, therefore, denies the allegations of  
4 Paragraph 336.

5 337. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
6 truth of the allegations contained in Paragraph 337 and, therefore, denies the allegations of  
7 Paragraph 337.

8 338. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
9 truth of the allegations contained in Paragraph 338 and, therefore, denies the allegations of  
10 Paragraph 338.

11 **C. Mutual Interchangeability of Defendants' Capacitors**

12 339. The allegations of Paragraph 339 set forth broad characterizations, legal  
13 conclusions, and assertions with regard to which Shizuki Electric lacks knowledge or information  
14 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
15 of Paragraph 339.

16 340. The allegations of Paragraph 340 set forth broad characterizations and conclusions,  
17 and purports to describe unidentified "cross-reference materials," with regard to which Shizuki  
18 Electric lacks knowledge or information sufficient to form a belief as to the truth of such  
19 allegations and, therefore, denies the allegations of Paragraph 340.

20 341. The allegations of Paragraph 341 set forth characterizations and conclusions with  
21 regard to which Shizuki Electric lacks knowledge or information sufficient to form a belief as to  
22 the truth of such allegations and, therefore, denies the allegations of Paragraph 341.

23 342. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
24 truth of Paragraph 342 and, therefore, denies the allegations contained in Paragraph 342.

25 **D. Inelastic Demand**

26 343. The allegations of Paragraph 343 set forth broad legal and economic  
27 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
28 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations

1 of Paragraph 343.

2 344. The allegations of Paragraph 344 set forth broad legal and economic  
3 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
4 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
5 of Paragraph 344.

6 345. The allegations of Paragraph 345 set forth broad legal and economic  
7 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
8 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
9 of Paragraph 345.

10 346. The allegations of Paragraph 346 set forth broad legal and economic  
11 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
12 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
13 of Paragraph 346.

14 347. The allegations of Paragraph 347 set forth broad legal and economic  
15 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
16 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
17 of Paragraph 347.

18 **E. Commoditization**

19 348. The allegations of Paragraph 348 set forth broad legal and economic  
20 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
21 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
22 of Paragraph 348.

23 349. The allegations of Paragraph 349 set forth broad legal and economic  
24 characterizations and conclusions as to which Shizuki Electric lacks knowledge or information  
25 sufficient to form a belief as to the truth of such allegations and, therefore, denies the allegations  
26 of Paragraph 349.

27 350. Shizuki Electric denies the allegations contained in Paragraph 350.

28 **F. Weak Demand**

1       351. The allegations of Paragraph 351 set forth broad conclusions as to which Shizuki  
2 Electric lacks knowledge or information sufficient to form a belief as to the truth and, therefore,  
3 denies all such allegations.

4       352. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
5 truth of the allegations in Paragraph 352, and, therefore, denies the allegations of Paragraph 352.

6       353. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
7 truth of the allegations of Paragraph 353 and, therefore, denies the allegations of Paragraph 353.

8 **G. Excess Manufacturing Capacity**

9       354. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
10 truth of the allegations of Paragraph 354, and, therefore, denies the allegations of Paragraph 354.

11       355. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
12 truth of the allegations of Paragraph 355, and, therefore, denies the allegations of Paragraph 355.

13       356. Shizuki Electric denies the allegations of Paragraph 356 to the extent they relate to  
14 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief as to  
15 the truth of the allegations of Paragraph 356 as they relate to other Defendants, and, therefore,  
16 denies all such allegations.

17       357. Shizuki Electric denies the allegations contained in Paragraph 357.

18       358. Shizuki Electric denies the allegations contained in Paragraph 358.

19 **H. Large Number of Purchasers With Limited Purchasing Power**

20       359. Shizuki Electric denies the allegations contained in Paragraph 359 to the extent  
21 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
22 a belief as to the truth of the allegations of Paragraph 359 to the extent they relate to other  
23 Defendants, and, therefore, denies the allegations of Paragraph 359.

24       360. Shizuki Electric denies the allegations contained in Paragraph 360.

25       361. Shizuki Electric denies the allegations contained in Paragraph 361.

26 **I. Ease of Information Sharing Among Defendants**

27       362. Shizuki Electric denies the allegations contained in Paragraph 362.

28       363. The allegations of Paragraph 363 set forth broad conclusions as to which Shizuki

1 Electric denies the allegations.

2 364. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
3 truth of the allegations of Paragraph 364 and, therefore, denies the allegations of Paragraph 364.

4 365. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
5 truth of the allegations of Paragraph 365 and, therefore, denies the allegations of Paragraph 365.

6 366. Shizuki Electric lacks knowledge or information sufficient to form a belief as to the  
7 truth of the allegations of Paragraph 366 and, therefore, denies the allegations of Paragraph 366.

8 367. Shizuki Electric denies the allegations contained in Paragraph 367 to the extent  
9 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
10 a belief as to the truth of the remaining allegations in Paragraph 367 and, therefore, denies all such  
11 allegations.

12 368. Shizuki Electric admits that Shizuki is a Japanese corporation and that ASC is a  
13 subsidiary of Shizuki. Shizuki Electric denies the remaining allegations contained in Paragraph  
14 368 to the extent they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information  
15 sufficient to form a belief as to the truth of the remaining allegations in Paragraph 368, including  
16 as they relate to other Defendants, and, therefore, denies all such allegations.

17 369. Shizuki Electric denies the allegations contained in Paragraph 369 to the extent  
18 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
19 a belief as to the truth of the allegations of Paragraph 369 to the extent they relate to other  
20 Defendants, and, therefore denies all such allegations.

21 370. Shizuki Electric denies the allegations contained in Paragraph 370 to the extent  
22 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
23 a belief as to the truth of the allegations of Paragraph 370 to the extent they relate to other  
24 Defendants, and, therefore, denies all such allegations.

25 **IX. CURRENT U.S. AND INTERNATIONAL ANTITRUST INVESTIGATIONS INTO  
26 ANTICOMPETITIVE PRACTICES IN THE CAPACITORS INDUSTRY**

27 371. Shizuki Electric denies the allegations contained in Paragraph 371.

28 372. Shizuki Electric lacks knowledge and information sufficient to form a belief as to  
the allegations in the first sentence of Paragraph 372 and, therefore, denies those allegations.

1 Shizuki Electric admits that the DOJ has intervened in this case, and has made statements that  
2 speak for themselves regarding its investigations in the United States concerning the capacitors  
3 industry.

4 373. Shizuki Electric lacks knowledge and information sufficient to form a belief as to  
5 the truth of the allegations of Paragraph 373 and, therefore, denies the allegations of Paragraph  
6 373.

7 374. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 374 and, therefore, denies the allegations of Paragraph  
9 374.

10 375. The allegations of Paragraph 375 state legal conclusions to which no response is  
11 required, but if a response is required, Shizuki Electric admits that the DOJ's website describes the  
12 ACPERA program. Shizuki Electric lacks knowledge or information sufficient to form a belief  
13 about the truth of the remaining allegations of Paragraph 375 and, therefore, denies all such  
14 allegations.

15 376. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
16 the truth of the remaining allegations of Paragraph 376 and, therefore, denies all the allegations of  
17 Paragraph 376.

18 377. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
19 the truth of the allegations of Paragraph 377 and, therefore, denies the allegations of Paragraph  
20 377.

21 378. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
22 the truth of the allegations in Paragraph 378 and, therefore, denies all such allegations.

23 379. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 379 and, therefore, denies the allegations of Paragraph  
25 379.

26 380. Shizuki Electric admits the allegations of Paragraph 380, except that Shinyei  
27 clarifies that the Brazilian authority alleged in Paragraph 380 is referred to in English as the  
28 Council for Economic Defence.

1       381. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 381 and, therefore, denies the allegations of Paragraph  
3 381.

4       382. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 382 and, therefore, denies the allegations of Paragraph  
6 382.

7       383. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 383 and, therefore, denies the allegations of Paragraph  
9 383.

10       384. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 384 and, therefore, denies the allegations of Paragraph  
12 384.

13       385. Shizuki Electric denies the allegations of Paragraph 385 to the extent they relate to  
14 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the remaining allegations set forth in Paragraph 385 to the extent they relate to other  
16 Defendants and, therefore, denies all such allegations.

17       386. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 386 and, therefore, denies the allegations of Paragraph  
19 386.

20       387. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 387 and, therefore, denies the allegations of Paragraph  
22 387.

23       388. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 388 and, therefore, denies the allegations of Paragraph  
25 388.

26       389. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
27 the truth of the allegations of Paragraph 389 and, therefore, denies the allegations of Paragraph  
28 389.

1 390. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
2 the truth of the allegations of Paragraph 390 and, therefore, denies the allegations of Paragraph  
3 390.

## X. FRAUDULENT CONCEALMENT

5 391. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
6 the truth of the allegations of Paragraph 391, and therefore, denies the allegations of Paragraph  
7 391.

8 392. Shizuki Electric denies the allegations contained in Paragraph 392.

9 393. Shizuki Electric denies the allegations contained in Paragraph 393.

10 394. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 394 and, therefore, denies the allegations of Paragraph  
12 394.

13 395. Shizuki Electric denies the allegations contained in Paragraph 395.

14 396. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
15 the truth of the allegations of Paragraph 396 and, therefore, denies all the allegations of Paragraph  
16 396.

17 397. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
18 the truth of the allegations of Paragraph 397 and, therefore, denies the allegations of Paragraph  
19 397.

398. Shizuki Electric denies the allegations contained in Paragraph 398.

21 399. Shizuki Electric denies the allegations contained in Paragraph 399 to the extent  
22 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
23 a belief about the truth of the allegations of Paragraph 399 the extent they relate to other  
24 Defendants, and, therefore, denies the allegations of Paragraph 399.

25 400. Shizuki Electric denies the allegations contained in Paragraph 400.

26 401. Shizuki Electric denies the allegations relating to film capacitors contained in  
27 Paragraph 401 to the extent they relate to Shizuki Electric. Shizuki Electric lacks knowledge or  
28 information sufficient to form a belief about the truth of the allegations of Paragraph 401 to the

1 extent they relate to aluminum capacitors, and, therefore, denies such allegations. Shizuki Electric  
2 lacks knowledge or information sufficient to form a belief about the truth of the allegations of  
3 Paragraph 401 to the extent they relate to other Defendants, and, therefore, denies such allegations.

4 402. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
5 the truth of the allegations of Paragraph 402, and, therefore, denies the allegations of Paragraph  
6 402.

7 403. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
8 the truth of the allegations of Paragraph 403 since they relate to electrolytic capacitors and,  
9 therefore, denies the allegations of Paragraph 403.

10 404. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
11 the truth of the allegations of Paragraph 404, and, therefore, denies the allegations of Paragraph  
12 404.

13 405. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 405 since they relate to electrolytic capacitors and,  
15 therefore, denies the allegations of Paragraph 405.

16 406. Shizuki Electric denies the allegations contained in Paragraph 406 to the extent  
17 they relate to Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form  
18 a belief about the truth of the allegations of Paragraph 406 to the extent they relate to other  
19 Defendants, and, therefore, denies the allegations of Paragraph 406.

20 407. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
21 the truth of the allegations of Paragraph 407, and, therefore, denies the allegations of Paragraph  
22 407.

23 408. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
24 the truth of the allegations of Paragraph 408, and, therefore, denies the allegations of Paragraph  
25 408.

26 409. Shizuki Electric denies the allegations contained in Paragraph 409.

27 410. Shizuki Electric denies the allegations contained in Paragraph 410. The allegations  
28 of Paragraph 410 relating to tolling set forth legal conclusions, to which no response is required,

1 but if a response is required, Shizuki Electric denies such allegations.

2 411. Shizuki Electric denies the allegations contained in Paragraph 411.

3 412. Shizuki Electric denies the allegations contained in Paragraph 412.

4 413. Shizuki Electric denies the allegations contained in Paragraph 413.

5 414. Shizuki Electric denies the allegations contained in Paragraph 414.

6 **XI. ADDITIONAL ALLEGATIONS SPECIFIC TO FLEXTRONICS**

7 415. Shizuki Electric denies the allegations contained in Paragraph 415.

8 416. Shizuki Electric denies the allegations contained in Paragraph 416.

9 417. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
10 the truth of the allegations of Paragraph 417, and, therefore, denies the allegations of Paragraph  
11 417.

12 418. Shizuki Electric denies the allegations contained in Paragraph 418.

13 419. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
14 the truth of the allegations of Paragraph 419, and, therefore, denies the allegations of Paragraph  
15 419.

16 420. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
17 the truth of the allegations of Paragraph 420, and, therefore, denies the allegations of Paragraph  
18 420.

19 421. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
20 the truth of the allegations of Paragraph 421, and, therefore, denies the allegations of Paragraph  
21 421.

22 422. Shizuki Electric lacks knowledge or information sufficient to form a belief about  
23 the truth of the allegations of Paragraph 422, and, therefore, denies the allegations of Paragraph  
24 422.

25 423. Shizuki Electric denies the allegations contained in Paragraph 423.

26 424. Shizuki Electric denies the allegations contained in Paragraph 424.

27 425. Shizuki Electric denies the allegations contained in Paragraph 425 as they relate to  
28 Shizuki Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 425 as they relate to other Defendants and, therefore,  
 2 denies all such allegations.

3 426. Shizuki Electric denies the allegations contained in Paragraph 426.

4 427. Shizuki Electric denies the allegations contained in Paragraph 427.

5 428. Shizuki Electric denies the allegations contained in Paragraph 428.

6 429. Shizuki Electric denies the allegations contained in Paragraph 429.

7 **XII. EFFECTS OF DEFENDANTS' CONSPIRACY ON U.S. SALES  
 8 OF ALUMINUM, TANTALUM AND FILM CAPACITORS AND INJURY  
 9 TO THE DIRECT PURCHASER CLASS**

10 430. Shizuki Electric denies the allegations contained in Paragraph 430.

11 431. Shizuki Electric denies the allegations contained in Paragraph 431.

12 432. Shizuki Electric denies the allegations contained in Paragraph 432.

13 **XIII. CLAIM FOR RELIEF  
 14 RESTRAINT OF TRADE IN VIOLATION OF  
 15 THE SHERMAN ACT § 1  
 16 15 U.S.C. § 1  
 17 (Alleged against all Defendants)**

18 433. Shizuki Electric repeats and re-alleges each response set forth in Paragraphs 1  
 19 through 432 as though fully set forth herein.

20 434. Shizuki Electric admits that Plaintiffs plead the Sherman Act Claim as to certain  
 21 Defendants. Shizuki Electric denies the remaining allegations contained in Paragraph 434.

22 435. The allegations of Paragraph 435 set forth legal conclusions to which no response  
 23 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 435.

24 436. The allegations of Paragraph 436 set forth legal conclusions to which no response  
 25 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 436.

26 437. The allegations of Paragraph 437 set forth legal conclusions to which no response  
 27 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 437.

28 438. The allegations of Paragraph 438 set forth legal conclusions to which no response  
 29 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 438.

30 439. The allegations of Paragraph 439 set forth legal conclusions to which no response  
 31 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 439.

1 440. Shizuki Electric denies the allegations contained in Paragraph 440.

2 441. The allegations of Paragraph 441 set forth legal conclusions to which no response  
3 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 441.

4 442. The allegations of Paragraph 442 set forth legal conclusions to which no response  
5 is required, but if a response is required, Shizuki Electric denies allegations of Paragraph 442.

6 443. Shizuki Electric denies the allegations contained in Paragraph 443.

7 **SECOND CLAIM OF RELIEF**

8 **VIOLATION OF STATE ANTITRUST AND UNFAIR COMPETITION LAW BUS. &  
PROF. CODE, SECTIONS 16720 ET SEQ. AND SECTION 17200 ET SEQ.  
(Alleged by Flextronics Against the Flextronics Defendants)**

9 444. Shizuki Electric repeats and re-alleges each response set forth in Paragraphs 1  
10 through 443 as though fully set forth herein.

11 445. Shizuki Electric admits that Flextronics purports to assert this claim as to the  
12 Flextronics Defendants as that term is defined in the Complaint. Shizuki Electric denies the  
13 remaining allegations contained in Paragraph 445.

14 446. Shizuki Electric denies the allegations contained in Paragraph 446.

15 447. Shizuki Electric denies the allegations contained in Paragraph 447.

16 448. Shizuki Electric denies the allegations contained in Paragraph 448.

17 449. Shizuki Electric denies the allegations contained in Paragraph 449.

18 450. Shizuki Electric denies the allegations contained in Paragraph 450.

19 451. Shizuki Electric denies the allegations contained in Paragraph 451.

20 452. Shizuki Electric denies the allegations contained in Paragraph 452.

21 453. Shizuki Electric denies the allegations contained in Paragraph 453.

22 454. Shizuki Electric denies the allegations contained in Paragraph 454.

23 455. Shizuki Electric denies the allegations contained in Paragraph 455.

24 456. Shizuki Electric denies the allegations contained in Paragraph 456.

25 457. Shizuki Electric denies the allegations contained in Paragraph 457.

26 458. Shizuki Electric denies the allegations contained in Paragraph 458.

27 459. Shizuki Electric denies the allegations contained in Paragraph 459.

28 460. Shizuki Electric lacks knowledge or information sufficient to form a belief about

1 the truth of the allegations in Paragraph 460 and, therefore, denies all such allegations.

2 461. Shizuki Electric denies the allegations in Paragraph 461 as they relate to Shizuki  
3 Electric. Shizuki Electric lacks knowledge or information sufficient to form a belief about the  
4 truth of the allegations in Paragraph 461 as they relate to other Defendants and, therefore, denies  
5 all such allegations.

6 462. Shizuki Electric denies the allegations contained in Paragraph 462.

7 463. Shizuki Electric denies the allegations contained in Paragraph 463.

8 464. Shizuki Electric denies the allegations contained in Paragraph 464.

9 465. Shizuki Electric denies the allegations contained in Paragraph 465.

10 466. Shizuki Electric denies the allegations contained in Paragraph 466.

11 467. Shizuki Electric denies the allegations contained in Paragraph 467.

12 468. Shizuki Electric denies the allegations contained in Paragraph 468.

13 469. Shizuki Electric denies the allegations contained in Paragraph 469.

14 470. Any allegations in the Complaint not specifically admitted are denied.

15 **AFFIRMATIVE DEFENSES**

16 **FIRST DEFENSE**

17 The Complaint fails, in whole or in part, to state a claim upon which relief can be granted.

18 **SECOND DEFENSE**

19 Flextronics claims against Shizuki Electric are barred due to lack of effective service of its  
20 complaint on Shizuki Electric.

21 **THIRD DEFENSE**

22 Plaintiffs' claims are barred, in whole or in part, because Plaintiffs have suffered no  
23 antitrust injury.

24 **FOURTH DEFENSE**

25 Plaintiffs' claims may not properly be maintained as a class action under Rule 23 of the  
26 Federal Rules of Civil Procedure.

27 **FIFTH DEFENSE**

28 Plaintiffs' claims are barred, in whole or in part, because the named Plaintiffs are not

1 proper class representatives.

2 **SIXTH DEFENSE**

3 Plaintiffs' claims are improperly joined within the meaning of the Federal Rule of Civil  
 4 Procedure 20 or 23 because they did not arise out of the same transaction, occurrence, or series of  
 5 transactions or occurrences, and/or do not involve questions of law or fact common to all  
 6 defendants.

7 **SEVENTH DEFENSE**

8 To the extent the Complaint is seeking relief with respect to purchases of capacitors  
 9 outside of the United States, Plaintiffs' claims are barred, in whole or in part, by the Foreign Trade  
 10 Antitrust Improvements Act, 15 U.S.C. § 6a. Such purchases do not constitute import trade or  
 11 commerce; nor do such purchases have a direct, substantial, and reasonably foreseeable effect on  
 12 trade or commerce which is not trade or commerce with foreign nations or on import trade or  
 13 commerce or give rise to a claim under the Sherman Act.

14 **EIGHTH DEFENSE**

15 Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitations.  
 16 15 U.S.C. § 15b.

17 **NINTH DEFENSE**

18 Plaintiffs' claims and the claims of any putative class members against Shizuki Electric are  
 19 barred to the extent they have agreed to arbitration, chosen a different forum for the resolution of  
 20 their claims, or waived a jury trial. This Court lacks jurisdiction to adjudicate any claim  
 21 pertaining to those agreements.

22 **TENTH DEFENSE**

23 Plaintiffs' claims are barred, in whole or in part, because the alleged damages, if any, are  
 24 too remote or speculative to allow recovery, and because of the impossibility of ascertaining and  
 25 allocating those alleged damages with reasonable certainty.

26 **ELEVENTH DEFENSE**

27 Plaintiffs' claims are barred to the extent Plaintiffs and/or certain members of the putative  
 28 class failed to take all necessary, reasonable, and appropriate actions to mitigate their alleged

1 damages, if any. Alternatively, any damages sustained by Plaintiffs and members of the purported  
 2 plaintiff class, which Shizuki Electric denies, must be reduced by the amount that such damages  
 3 would have been reduced had Plaintiffs and the members of the purported plaintiff class exercised  
 4 reasonable diligence in mitigating their damages.

5 **TWELFTH DEFENSE**

6 Plaintiffs' claims for injunctive relief are barred to the extent Plaintiffs have available an  
 7 adequate remedy at law and there is no threat of present, future, or continuing harm, and to the  
 8 extent injunctive relief otherwise is inequitable.

9 **THIRTEENTH DEFENSE**

10 Plaintiffs attempt to allege a conspiracy spanning eleven or more years that they claim  
 11 resulted in their paying higher prices for the products in issue. Plaintiffs allege no facts that  
 12 explain or justify their delay in bringing this lawsuit. To the extent Plaintiffs could have brought  
 13 essentially the same suit years earlier, Plaintiffs' claims are barred, in whole or in part, by estoppel  
 14 and laches.

15 **FOURTEENTH DEFENSE**

16 Plaintiffs' claims are barred to the extent their alleged damages were caused solely or  
 17 proximately by market conditions or the acts and omissions of others and were not the result of  
 18 any act or omission attributable to the Defendants.

19 **FIFTEENTH DEFENSE**

20 Plaintiffs' claims are barred to the extent that they did not purchase capacitors directly  
 21 from Defendants, because they are indirect purchasers and barred from maintaining an action  
 22 under 15 U.S.C. § 1 for alleged injuries in that capacity.

23 **SIXTEENTH DEFENSE**

24 Plaintiffs' claims are barred to the extent the actions or practices of Shizuki Electric that  
 25 are subject of the Complaint were undertaken unilaterally for legitimate business reasons and in  
 26 pursuit of Shizuki Electric's independent interests and those of its customers, and were not the  
 27 product of any contract, combination or conspiracy between Shizuki Electric and any other person  
 28 or entity.

## SEVENTEENTH DEFENSE

Plaintiffs' claims are barred to the extent any recovery by Plaintiffs would be duplicative of recovery by other plaintiffs and other lawsuits, subjecting Shizuki Electric to the possibility of multiple recovery; such recovery is barred by the Fifth and Eighth Amendments to the United States Constitution.

## **DEMAND FOR JUDGMENT**

WHEREFORE, Shizuki Electric requests that the Court enter judgment for it by adjudging and decreeing that:

- A. Plaintiffs' claims as to Shizuki Electric be dismissed with prejudice;
- B. This action may not proceed as a class action under Fed. R. Civ. P. 23;
- C. Shizuki Electric has not combined and conspired in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1;
- D. Shizuki Electric has not violated any applicable state unfair competition laws;
- E. Plaintiffs and the Direct Purchaser Class are not entitled to recover any damages from Shizuki Electric;
- F. Plaintiffs and the Direct Purchaser Class are not entitled to equitable relief;
- G. Shizuki Electric recovers its costs and expenses of this suit, including any reasonable attorneys' fees as provided by law; and
- H. Shizuki Electric receives such other or further relief as may be just and proper.

DATED this 13th day of January 2016.

Respectfully submitted,

## DAVIS WRIGHT TREMAINE LLP

By: /s/Allison A. Davis  
Allison A. Davis

Attorneys for Defendant Shizuki Electric Co., Inc.